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5 **UNITED STATES BANKRUPTCY COURT**
6 **EASTERN DISTRICT OF WASHINGTON**

7 In re:

8 GIGA WATT, Inc., a Washington
9 corporation,

Debtor.

Case No. 18-03197-FPC

The Honorable Frederick P. Corbit

Chapter 7

10 MARK D. WALDRON, as Chapter 7
11 Trustee,

Plaintiff,

12 vs.

Adv. Case No. 20-80031

**STIPULATED PROTECTIVE
ORDER**

13 PERKINS COIE LLP, a Washington
14 limited liability company, LOWELL
15 NESS, a California resident,
16 GIGAWATT PTE. LTD., a Singapore
17 corporation, ANDREY KUZENNY, a
citizen of the Russian Federation

Defendants.

18 Based on the stipulation of the parties filed on May 4, 2022 (ECF No. 84),
19 the Court hereby ORDERS as follows:

20 1. The Stipulation filed on May 4, 2022, ECF No. 84, is approved.

21 2. In producing documents and information to the Trustee or Perkins, a
22 Discovery Third Party may designate as “Confidential” any document which it

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1 reasonably and in good faith believes to contain information involving business,
2 financial, or personal information which should reasonably be protected from
3 public disclosure or dissemination. Such designations shall be made by stamping
4 or otherwise affixing the label “Confidential” on such documents. This provision is
5 without prejudice to the right of the Trustee or Perkins to contest such designation.

6 3. Unless otherwise ordered by the Court or agreed to in writing by the
7 Trustee, Perkins, and the Discovery Third Party, Confidential documents may be
8 used only for purposes relating to the above-captioned bankruptcy case and
9 adversary proceeding (collectively, “Bankruptcy Case”), and may be disclosed
10 only to:

11 a. Any party in interest to the Bankruptcy Case concerned with the
12 issues then in dispute relating to such Confidential documents; for the avoidance of
13 doubt, parties in interest include, but are not limited to, the Trustee, Perkins, and its
14 insurer;

15 b. Any mediator involved in the Bankruptcy Code and any participant in
16 mediation involving the Bankruptcy Case;

17 c. The Court, court personnel, court reporters, and their staff;

18 d. The counsel of record in the Bankruptcy Case, as well as their staff to
19 whom it is reasonably necessary to disclose the information for this litigation;

20 e. Experts and consultants to whom disclosure is reasonably necessary;
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1 f. Any non-party vendor retained to assist any party in interest to this
2 adversary proceeding and their attorneys with litigation-related activities, such as
3 processing, copying, imaging, and management of documents;

4 g. During their depositions or in any hearing or pretrial proceeding,
5 witnesses in the action to whom disclosure is reasonably necessary; and

6 h. The author or recipient of a document containing the information or a
7 custodian or other person who otherwise possessed or knew the information
8 contained in the document.

9 4. Confidential documents, or information derived from Confidential
10 documents, shall not be filed with the Court or included in pleadings, motions,
11 declarations, etc., except when such information and documents and any portion(s)
12 of such pleadings, motions, declarations, etc., that reference such material are
13 accompanied by a motion to seal pursuant to LBR 9018-1, unless otherwise
14 ordered by the Court. The Trustee and Perkins shall have the right to ask for an
15 Order allowing the Confidential documents to be filed on the public docket and
16 admitted into evidence without seal, and to further request shortened notice.

17 5. Documents or information designated as Confidential may be
18 provided to the Court *in camera* pending a decision on any motion to seal. If the
19 Court grants the motion to seal the material, the Confidential material shall be filed
20 with the clerk in accordance with local rules.

21 6. The Trustee, Perkins and any Discovery Third Party shall meet and
22 confer regarding the procedures for use of any materials designated as Confidential

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24 STIPULATED PROTECTIVE ORDER – Page 3

1 at trial or any hearing held in open court. If the parties are unable to resolve a
2 dispute related to the use of Confidential material in open court, then the Trustee or
3 Perkins shall request relief from the Court and such relief shall be heard on an
4 expedited basis of ten (10) days or less, subject to the Court's calendar.

5 7. Within 60 days after the termination of this bankruptcy, including all
6 appeals, each person possessing "Confidential" documents shall use reasonable
7 efforts to destroy all confidential material, including all copies, extracts,
8 compilations, and summaries thereof.

9 ///END OF ORDER///

10 Presented by:

11 **POTOMAC LAW GROUP PLLC**

12 By /s/ Pamela M. Egan

13 Pamela M. Egan, WSBA #54736

14 1905 7th Avenue W.

15 Seattle, WA 98119-2815

16 Tel.: 415-297-0132

17 Email: pegan@potomaclaw.com

18 *Attorneys for Mark D. Waldron,*
19 *Chapter 7 Trustee, Plaintiff*

20 **MUNDING, P.S.**

21 By /s/ John Munding

22 John Munding, WSBA #21734

23 309 E. Farwell Rd., Suite 310

24 Spokane, Washington 99218

25 Tel.: 509-590-3849

Fax: (509) 624-6155

Email: john@mundinglaw.com

Attorneys for Perkins Coie LLP and
Lowell Ness, Defendants

BYRNES KELLER CROMWELL

LLP

By /s/ Bradley S. Keller

Bradley S. Keller, WSBA #10665

By /s/ Ralph E. Cromwell, Jr.

Ralph E. Cromwell, Jr., WSBA

#11784

By /s/ Jofrey M. McWilliam

Jofrey M. McWilliam, WSBA

#28441

1000 Second Avenue, 38th Floor

Seattle, Washington 98104

Tel.: 206-622-2000

Fax: 206-622-2522

Email: bkeller@byrneskeller.com

rcromwell@byrneskeller.com

jmcwilliam@byrneskeller.com

Attorneys for Perkins Coie LLP and
Lowell Ness, Defendants